IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8641 OF 2003

Shri Ratnakar Dominic Mahankale	...	Petitioner
Vs.		
The General Manager, Central Railways & Ors.	...	Respondents

Mr. A.M. Joshi for the petitioner.

Mr. T.J. Pandian for the respondents.

CORAM: V.G. PALSHIKAR &
SMT. RANJANA DESAI, JJ.

DATED: 13TH AUGUST, 2004.

P.C.:-

By this petition, the petitioner challenges the order passed by the Administrative Tribunal by which the challenge by the petitioner to the order, imposing punishment on him, was rejected. The order passed by the tribunal is very elaborative, speaking, legal and, therefore, liable to be affirmed. The order in para 6 reads thus:

> "We have heard the learned counsel for both the sides carefully and have perused the pleadings. We find that the principles of natural justice were followed and the applicant was given due opportunity to

defend his case. Also find that the enquiry officer has taken into consideration the pleadings of the applicant including the explanation given by the applicant for reporting directly on the train in violation of the Standing Order No.135 dated 25/10/1991. It is not for us to reassess the evidence or to go into the facts once the enquiry officer has applied his mind to the same. The enquiry officer has analysed the evidence and has given reasons for the findings. His findings is not arbitrary or perverse. Also the applicant failed to represent against the findings of enquiry officer holding that Charge II was proved partly. In the facts and circumstances of the case we do not find any reason to quash and set aside the impugned orders. The applicant has pleaded that punishment is excessive and harsh. The power to impose penalty on a delinquent officer is conferred on the competent authority. The Tribunal has no power to substantiate its own discretion for that of the authority. The adequacy of penalty unless it is malafide is not a matter for the Tribunal to interfere with. We, therefore, are not inclined to interfere with the quantum of penalty."

Writ jurisdiction cannot be exercised for reappreciation of evidence and unsettling of issues.

Hence, the petition is dismissed.

(V.G. PALSHIKAR, J.)

(SMT. RANJANA DESAI, J.)